

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8432 of 1996

MAFATLAL FINE SPG. & WVG. CO LTD

Versus

UNION OF INDIA

Appearance:

M/S TRIVEDI & GUPTA for Petitioners
Mr.Ketan Dave with Mr.H.M.Mehta
Sr.Counsel for Respondents.

CORAM : MR.JUSTICE S.M.SONI and
MR.JUSTICE S.D.PANDIT

Date of decision: 10/12/96

ORAL ORDER(Per:Soni.J)

Leave to amend the cause title and join the Commissioner of Central Excise (Appeals) Mumbai as respondent no.3.

2. This petition is filed for a direction to decide the stay application, pending hearing and final disposal of the appeal filed against the order dated 23.10.96. and also challenging the order passed by the Assistant Commissioner Central Excise, Division no.4, Surat. The petitioner has already paid an amount of Rs.23,02,048.86 p. as part of the demand . The petitioner has also asked for stay of the further proceedings of the impugned order. Said application for stay is not decided. By the said stay application the appellant wants to stay the operation of the impugned order and/or demand of the duty levied under that order and also dispensation of requirement of pre-deposit of the amount ordered to be paid.

3. In view of the fact that the part payment is already made and in view of the fact that the stay application has not been decided till date, we direct the respondent no.3 to hear the appellant and decide the said

stay application in accordance with law within 8 weeks from the date of receipt of the writ of this court. In the meantime the department shall not proceed further with coercive measures to recover the amount assessed. In view of these directions the petition stands disposed of. Interim relief granted earlier stands vacated. Notice discharged. No order as to costs.

(S.M.Soni.J)

(S.D.Pandit.J)